

Probate Notes for April 28, 2010

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to continue a matter, please contact the civil division at (530) 406-6704. If you have questions, you may contact the probate examiner at (530) 406-6802 between the hours of 2 and 4 p.m.

CASE: Probate Conservatorship of Ralph W. Juvinall
Case No. CV PB 05-47

It is recommended to approve the court investigator's report.

The conservatee did not provide sufficient facts in his petition for the Court to determine whether the conservatorship over his person should be terminated. (Prob. Code, § 1863.) It is recommended that the Court set this matter for a hearing for the presentation of evidence in support and opposition of the petition.

The conservator has not filed the required account and report. (Prob. Code, § 2620.) The Clerk is directed to give written notice to the conservator directing the conservator to file her third account and report and to set the accounting for hearing before the court within 30 days of the date of the notice. (Prob. Code, § 2620.2, subd. (a).) It is recommended to continue this matter to Friday, June 4, 2010, at 9:00 a.m. in Department Fifteen to give the conservator time to file and give notice of the account and report.

CASE: Estate of Richard G. Adamski
Case No. CV PB 09-120

The following are noted:

(1) The will gives the decedent's estate to the trustee of the Richard G. and Rosemary J. Adamski Revocable Trust. Petitioners filed a petition for final distribution upon waivers of accounting. If the person entitled to distribution is a trust, the written waiver of accounting must be executed by the trustee, but only if the named trustee's written acceptance of the trust is filed with the court. (Prob. Code, § 10954, subd. (b)(4).) In the case of a trust that is subject to the continuing jurisdiction of the court pursuant to Probate Code sections 17300 *et seq.*, the waiver may be executed without the need to obtain approval of the court. (Prob. Code, § 10954, subd. (b)(4).) Petitioners did not show that the proper parties have executed a written waiver of account.

(2) Petitioners should submit a proposed order.